



**SCULLY, SCOTT, MURPHY & PRESSER PC**

INTELLECTUAL PROPERTY LAW



400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530  
516-742-4343  
FAX: 516-742-4366  
E-MAIL: INTPROP@SSMP.COM  
WWW.SSMP.COM

June 30, 2006

LEOPOLD PRESSER  
FRANK S. DIGIGLIO  
PAUL J. ESATTO, JR.  
JOHN S. SENSNY  
MARK J. COHEN  
EDWARD W. GROLZ  
STEVEN FISCHMAN  
PETER I. BERNSTEIN  
THOMAS SPINELLI  
XIAOCHUN ZHU

ROBERT L. BERNSTEIN  
MARVIN BRESSLER  
DERMOTT J. COOKE\*  
RICHARD J. DANYKO  
BRADLEY M. MARAZAS  
KATHERINE R. VIEYRA\*  
SETH M. WEINFELD  
KEITH A. WELTSCH\*  
YONGZHI YANG<sup>1</sup>

PATENT AGENTS  
YONG LU  
LESLIE S. SZIVOS, PHD  
DAVID J. TORRENTE, J.D.

COUNSEL  
BOSCO B. KIM  
BARRY M. KRIVISKY  
ALLEN R. MORGANSTERN  
ALEX P. SZECZY  
STEPHEN A. YOUNG

TECHNICAL CONSULTANTS  
DOMINIC A. TUCCIO  
ZHUANG YUAN

RETIRED  
JOHN F. SCULLY  
STEPHEN D. MURPHY

ANTHONY C. SCOTT  
1931-1994

\*OH BAR ONLY  
\*MD BAR ONLY  
\*NC BAR ONLY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: USSN: 10/523,856  
Helen G. Durkin, et al.  
Our Docket: 15727

Dear Sirs:

The Filing Receipt for the above-identified patent application has the Foreign Applications information incorrect. It should read as follows:

**Domestic Priority data as claimed by applicant: This Appln. Claims benefit of 60/402,411 08/09/02**

**Title: Method for monitoring the effectiveness of tetracycline in the treatment of asthma**

as indicated on the enclosed pages. Please make the corrections and send us a corrected Filing Receipt.

Very truly yours,

*Scully, Scott, Murphy & Presser, P.C.*  
Scully, Scott, Murphy & Presser, P.C.

SSM&P/tw  
Encl.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/523,856	10/18/2005	1616	655	15727	1	29	2

23389  
 SCULLY SCOTT MURPHY & PRESSER, PC  
 400 GARDEN CITY PLAZA  
 SUITE 300  
 GARDEN CITY, NY 11530



CONFIRMATION NO. 4411

## FILING RECEIPT



\*OC000000017891319\*

Date Mailed: 01/23/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Helen G Durkin, Manhasset, NY;  
 Rauno Joks, Port Washington, NY;  
 Tamar A. Smith-Norowitz, Brooklyn, NY;  
 Martin H Bluth, West Hempstead, NY;

Power of Attorney: The patent practitioners associated with Customer Number 23389.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/24746 08/08/2003

## Foreign Applications

UNITED STATES OF AMERICA 60402411 08/09/2002

Projected Publication Date: 05/04/2006

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Method for monitoring the effectiveness of tetracycline in the treatment of asthma

**Preliminary Class**

424

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).